

"Bill" Currie.

S.R. 684 - By Senator Snelson: Memorial resolution for Judge Herbert Holmes.

CONGRATULATORY RESOLUTIONS

S.R. 673 - By Senator Wolff: Extending congratulations to Herbert Kelleher.

S.R. 674 - By Senator Adams: Extending congratulations to Billy Still, Jaycee of the Year.

S.R. 675 - By Senator Adams: Extending congratulations to Kathy Hardy, Miss Tyler.

S.R. 676 - By Senator Adams: Extending congratulations to Donna Hepler, Miss Silsbee.

S.R. 677 - By Senator Adams: Extending congratulations to Jennifer Covington, Miss Toledo Bend.

S.R. 679 - By Senator Adams: Extending congratulations to Lufkin Junior and Senior High School Bands.

S.R. 680 - By Senator Adams: Extending congratulations to Henderson County Livestock and County Fair.

S.R. 681 - By Senator Adams: Extending congratulations to Elbert McMillan.

S.R. 682 - By Senator Adams: Extending congratulations to Eileen Shaw, Who's Who, Junior College.

RECESS

On motion of Senator Aikin the Senate at 12:18 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

SIXTY-SIXTH DAY

(Continued)

(Thursday, May 3, 1973)

After Recess

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

H.B. 40 (Santiesteban) (31-0)(31-0)

H.B. 142 (Aikin) (31-0)(31-0)

H.B. 215 (Brooks) (31-0)(31-0)

H.B. 268 (Creighton) (31-0)(31-0)

H.B. 292 (Mauzy) (31-0)(31-0)

H.B. 301 (McKnight) (31-0)(31-0)

H.B. 314 (Meier) (31-0)(31-0)

H.B. 350 (Wallace) (31-0)(31-0)

H.B. 372 (Harris) (31-0)(31-0)

H.B. 467 (Herring) (31-0)(31-0)

H.B. 556 (Schwartz) (31-0)(31-0)

H.B. 708 (Longoria) (31-0)(31-0)

H.B. 715 (Herring) (31-0)(31-0)

H.B. 754 (Traeger) (27-4) Aikin, Adams, Hightower and Herring "Nay"
(27-4) Aikin, Adams, Hightower and Herring "Nay"

H.B. 770 (Aikin) (31-0)(31-0)

H.B. 771 (Aikin) (31-0)(31-0)

H.B. 858 (Schwartz) (31-0)(31-0)

H.B. 909 (Aikin) (31-0)(31-0)

C.S.S.B. 252 (Gammage) (31-0)(31-0)

S.B. 447 (Hightower) (31-0)(31-0)

S.B. 449 (Hightower) (30-1) Jones "Nay" (30-1) Jones "Nay"

S.B. 492 (Brooks) (31-0)(31-0)

C.S.S.B. 493 (Brooks) (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

C.S.S.B. 498 (Brooks) (31-0)(31-0)

S.B. 499 (Gammage) (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

S.B. 590 (Wolff) (31-0)(31-0)

S.B. 621 (Herring) (31-0)(31-0)

S.B. 622 (Patman) (31-0)(31-0)

S.B. 657 (Meier) (31-0)(31-0)

S.B. 708 (Hightower) (31-0)(31-0)

S.B. 709 (Hightower) (31-0)(31-0)

S.B. 713 (Hightower) (31-0)(31-0)

S.B. 720 (Jones) (31-0)(31-0)

C.S.S.B. 743 (Gammage) (31-0)(31-0)

S.B. 768 (Ogg) (31-0)(31-0)

S.B. 775 (Wallace) (31-0)(31-0)

S.B. 802 (Brooks) (31-0)(31-0)

S.B. 822 (Schwartz) (31-0)(31-0)

S.B. 831 (Wallace) (31-0)(31-0)

S.B. 855 (Snelson) (31-0)(31-0)

S.B. 859 (Harrington) (31-0)(31-0)

S.B. 864 (Sherman) (30-1) Adams "Nay" (30-1) Adams "Nay"

S.B. 881 (Schwartz) (31-0) Adams "Nay" (31-0) Adams "Nay"

S.B. 890 (Longoria) (31-0)(31-0)

S.B. 893 (Adams) (29-2) Aikin and Hightower "Nay" (29-2) Aikin and Hightower "Nay"

S.B. 900 (Sherman) (31-0)(31-0)

S.B. 922 (Moore) (31-0)(31-0)

S.B. 923 (Clower) (31-0)(31-0)

S.B. 928 (Moore) (31-0)(31-0)

S.B. 935 (Creighton) (31-0)(31-0)

S.B. 961 (Creighton) (31-0)(31-0)

C.S.S.C.R. 70 (Wolff) (vv)

S.C.R. 86 (Longoria) (vv)

S.C.R. 89 (Blanchard) (vv) Aikin "Nay"

S.R. 657 (Traeger) (vv)

The following bills and resolutions were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of

Constitutional Three-Day Rule and final passage.)

H.B. 376 (Sherman)--

Senator Sherman offered the following amendment to the bill:

Amend H.B. 376 by adding at the end of the present Sec. 3 the following sentence:

"The mortgagee shall also furnish without charge a copy of the master form to the mortgagor or any successor in interest to the mortgagor or their authorized representative upon written request therefor after the same has been executed."

The amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 487 (Gammage)--

Senator Gammage offered the following Committee Amendment to the bill:

Amend H.B. 487 as follows:

Strike all above the enacting clause and substitute the following therefor:

"A BILL

TO BE ENTITLED

An Act relating to the licensing of chiropractors who hold a National Board of Chiropractic Examiners certificate and meet other certain requirements; amending Section 10, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes); and declaring an emergency."

The Committee Amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Schwartz "Nay" (30-1) Schwartz "Nay"

H.B. 799 (Blanchard)--

Senator Blanchard offered the following Committee Amendment to the bill:

Amend Section 2 of H.B. 799 by deleting all of quoted Section 32 and inserting in lieu thereof the following:

"Section 32. Local Option Election.

"The commissioners court of each county in the state, upon proper petition, shall order an election wherein the qualified voters of such county, or of any justice precinct, or incorporated city or town; therein, may by the exercise of local option determine whether or not the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated city or town.

"Subject to the provisions of this section and Section 32 1/2 of the Texas Liquor Control Act, upon the written application of any ten or more qualified

voters of any county, justice precinct, or incorporated city or town, the county clerk of such county shall issue to the applicants a petition to be circulated among the qualified voters thereof for the signatures of those qualified voters in such area who desire that a local option election be called therein for the purpose of determining whether the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated city or town.

"An application for a petition seeking an election to legalize the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Application for Local Option Election Petition to Legalize,' and shall contain a statement just ahead of the signatures of the applicants, as follows: 'It is the hope, purpose and intent of the applicants whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above.' The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and the issue shall be one of those set out in Section 40 of Article I of the Texas Liquor Control Act.

"An application for a petition seeking an election to prohibit the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Application for Local Option Election Petition to Prohibit,' and shall contain a statement just ahead of the signatures of the applicants, as follows: 'It is the hope, purpose and intent of the applicants whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above.' The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and the issue shall be one of those set out in Section 40 of Article I of the Texas Liquor Control Act.

"The petition for a local option election seeking to legalize the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed 'Petition for Local Option Election to Legalize,' and shall contain a statement just ahead of the signatures of the petitioners, as follows: 'It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above.'

"The petition for a local option election seeking to prohibit the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be headed, 'Petition for Local Option Election to Prohibit,' and shall contain a statement just ahead of the signatures of the petitioners, as follows: 'It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above.'

"Each such petition shall show the date of its issue by the county clerk and shall be serially numbered, and each page of such petition shall bear the same date and serial number, and shall bear the actual seal of the county clerk, and not a facsimile of such seal. The county clerk shall supply as many copies of the petition as may be required by the applicants but not to exceed more than one page of such petition for every ten registered voters in such county, justice precinct or incorporated city or town, and each copy shall bear the date, number and seal on each page as required in the original. The county clerk shall keep a copy of each such petition and a record of the applicants therefor. When any such petition so issued shall within thirty days after the date of issue be filed with the county clerk bearing the actual signatures of as many as thirty-five percent of the qualified voters of any such county, justice precinct, or incorporated city or town, together with a notation showing the residence address of each of the said signers, together with the number that appears on his voter registration certificate, all of which information shall be in the actual handwriting of the signers of the petition, taking the vote for Governor at the last preceding general election as the basis for determining the number of qualified voters in any such county, justice precinct, or incorporated city or

town, it is hereby required that the commissioners court at its next regular session shall order a local option election to be held upon the issue set out in such petition. Such order shall state in its heading and in its text whether the local option election to be held is for the purpose of prohibiting or for the purpose of legalizing the sale of the alcoholic beverages set out in the issue recited in the application and the petition. It shall be the duty of the county clerk to check the names of the signers of any such petition, and the voting precincts in which they reside to determine whether or not the signers of such petition were in fact qualified voters in such county, justice precinct, or incorporated city or town at the time such petition was issued, and to certify to the commissioners court the number of qualified voters signing such petition. No signature shall be counted, either by the county clerk or the commissioners court, where there is reason to believe it is not the actual signature of the purported signer, or that the voter registration certificate number is not correct or in the actual handwriting of the signer, or that it is a duplication either of name or of handwriting used in any other signature on the petition, and no signature shall be counted unless the correct residence address of the signer is shown in the actual handwriting of the signer and unless it is signed exactly as the name of the voter appears on the official copy of the current list of registered voters for the voting year which the petition is issued.

"The minutes of the commissioners court shall record the date any such petition is presented, the names of the signers thereof, and the action taken with relation to the same. In any election ordered by the commissioners court the issue ordered to appear on the ballot shall be the same as that applied for and set out in the petition. No subsequent election upon the same issue shall be held within one year from the date of the last preceding local option election on any county, justice precinct, or incorporated city or town.

"Any authorized voting unit, that is, any county, justice precinct, or incorporated city or town which has at any time heretofore exercised or may at any time hereafter exercise the right of local option, shall retain the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 40 of Article I, until that status is changed by a subsequent local option election in the same authorized voting unit; provided, however, that consistent with the purpose of the local option provisions of the Texas Liquor Control Act and in order to insure that each voter shall have the maximum possible control over the status of the sale of alcoholic beverages in the area of his residence, it is specifically provided that the status which resulted from or is the result of a duly called election for an incorporated city or town shall prevail as against the status which resulted from or is the result of a duly called election in a justice precinct or county in which such incorporated city or town, or any part, thereof, is contained; and provided, further, that the status which resulted from or is the result of a duly called election for a justice precinct shall prevail as against the status which resulted from or is the result of a duly called election in an incorporated city or town in which such justice precinct is wholly contained or in a county in which such justice precinct is located."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (27-4) Aikin, Herring, Hightower and Adams "Nay" (27-4) Aikin, Herring, Hightower and Adams "Nay"

H.B. 833 (Schwartz)--

Senator Schwartz offered the following amendment to the bill:

Amend H.B. 833 by striking to word "Calhoun" where it appears.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S.B. 298 (McKnight)--

Senator Moore offered the following Committee Amendment to the bill:

Amending S.B. 298 by McKnight at Section 1 lines 11-17, page 1, to read as follows:

"Section 14. (a) The district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, and pursuant to the provisions of Chapters 5 and 6, Texas Water Code, the power of control and employment of such waters of the Sabine River and its tributaries within the State of Texas, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth."

The Committee Amendment was read and was adopted.

Senator McKnight offered the following Committee Amendment to the bill:

Amend S.B. 298 by McKnight at Section 1, Page 12, lines 25 - 27 to read as follows:

"treatment facilities. Subparagraph (2), above, of this subsection 18 (g) shall be applicable to contracts made pursuant to this subparagraph (3)."

The Committee Amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 391 (Brooks)--

Senator Brooks offered the following Committee Amendment to to the bill:

Amend S.B. 391 as follows:

Amend Section 7, Subsection (c), subdivision (1) to read as follows:

"(1) The members of the board created hereby shall receive no salary but the public members shall be allowed the sum of \$50.00 for each day or part thereof actually spent in the discharge of their official duties, including time spent in traveling to and from the place of meeting or other authorized business of the board; all members of the board shall be reimbursed for their reasonable and necessary travel and other expenses while in the performance of official duty, to be evidenced by vouchers approved by the director."

The Committee Amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 391 as follows:

Amend Section 6, Subsection (a) by adding a clause to the end which reads as follows:

"provided, however, that each rule, standard, or regulation adopted shall be and continue to be at least as effective as Federal requirements relating to the same issues, but shall not include standards for products distributed or used in interstate commerce which are different from Federal standards for such products adopted under the Occupational Safety and Health Act of 1970, unless such standards are required by compelling local conditions and do not unduly burden interstate commerce."

The Committee Amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 391 as follows:

Amend Section 13, Subsection (a), Subdivision (1) to read as follows:

"(1) Any party, after exhaustion of his administrative remedies, may obtain a review of any final order of the Review Board in a District Court of the County in which the party resides or has his principal place of business or his main office, or in the county in which the violation or threat of violation occurs, or in Travis County, by filing in the court within sixty days, and not thereafter, following the entry of the order a written petition praying that the order be modified or set aside."

The Committee Amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 391 by striking Subsection (a), Section 4 and substituting the following:

"(a) This Act shall apply to working conditions of only those employees to whom the Occupational Safety and Health Act of 1970 (P.L. 91-596, 91st Cong., S. 2193, 84 Stat. 1590) is applicable, except that this Act shall apply to employees of the State of Texas and to each of its municipalities and political subdivisions."

The amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 391 as follows:

Amend Section 12f (4) by striking the section and substituting in lieu thereof:

"(4) The suit may be brought either in the county in which the defendant resides or has his principal place of business."

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 448 (Hightower)--

Senator Meier offered the following amendment to the bill:

Amend S.B. 448, by deleting Section 1 and substituting therefor the following:

"Section 1. Pursuant to the authority granted by the provisions of Article IX, Section 9, of the Texas Constitution, the Hamlin Hospital District, hereinafter referred to as district, is hereby authorized to be created and established so as to be composed of all the territory and property in Jones county included within the following boundaries:

Beginning at a point on the North line of Jones County at its intersection with the East line of Section 87, BBB&C RR Co. lands, said point being also on the boundary of the Stamford Hospital District:

Thence South with the East lines of Sections 87, 88, 89, 90, 91, BBB&C RR Co. lands to the SE corner of Section 91, the NE corner of Section 92, same lands;

Thence West with the South lines of Sections 91 and 102 to the mid-point of the South line of Section 102, same lands;

Thence South across Sections 101 and 100 to the mid-point of the South line Section 100, same lands;

Thence West with the South line of Section 100 to the Southwest corner of said Section 100;

Thence South with the West line of Section 99, same lands and the West lines of Section 7 and 8, GH&H RR Co. Survey to a point in the East line of the McMullen and McGloin League 336;

Thence S 15 deg. E with the East line of League 336 to its SE corner;

Thence S 75 deg. W with the South line of League 336 to the NE corner of Sub-division 12 of the L. Kratz League 335;

Thence S 15 deg. E with the East lines of Subdivision 12, 17 and 26, League 335 to a point in the North line of the Harrison County School Lands League 334;

Thence S 75 deg. W with the North line of League 334 to the NE corner of Sub-division 30, League 334;

Thence S 15 deg. E with the East lines of Subdivisions 30 and 43 to the mid-point of said League 334;

Thence S 75 deg. W to the mid-point of the West line of said League 334;

Thence S 15 deg. E with the West lines of League 334 and 333 Harrison County School Lands to the SW corner of League 333 on the North line of Section 44, S. P. RR Co. Block 2;

Thence S 75 deg. W with the North line of said Sec. 44 to its NW corner;

Thence South with the West lines of Sections 44 and 43, S. P. RR to the SW corner of said Section 43 on the North line of the S. Redman preemption Survey;

Thence N 75 deg. E to the NE corner of said Redman Survey;

Thence S 15 deg. E with the East lines of the S. Redman and W. S. Coulson Survey 212 to the NE corner of the M. Northington Survey 270 on the Clear Fork of the Brazos River;

Thence down the river with its meanders and with the East line of the M. Northington Survey 270 and the North lines of the J.M. Cloud Survey 269, J.C. Hunt Survey 268, and the M. Fragosa Survey 267, and the S. Jones Survey 266 and the A. B. Jones Survey 265 to the NE corner of Survey 265;

Thence S 15 deg. E with the East line of Section 265 to its SE corner on the North line of Section 9, Blk. 17, T&P RR Co.;

Thence S 75 deg. W with the North line of Section 9 to its NW corner;

Thence S 13 deg. E with the East lines of Sections 8, 13, 16, same land; and crossing Section 22, same lands to a point in the North line of the G. A. Kirkland Survey 2;

Thence N 75 deg. E with the North line of said Survey 2 to the NE corner of Subdivision 63;

Thence S 15 deg. E with the East line of Subdivision 63 to a point in the North line of Dewitt County School Lands League 126;

Thence N 77 deg. E with the North line of League 126 to its NE corner;

Thence S 13 deg. E with the East line of League 126 and Section 23, Blk 17, T&P RR to a point in the South line of Jones County;

Thence West with South County line of Jones County across Blk. 17, T&P RR Co. Dewitt County School Lands Leagues 125 and 149, Blks. 18, 19, T&P RR Co. to the SW corner of Jones County, the SE corner of Fisher County;

Thence North with the West county line of Jones County across the R. S. Spiers Survey 283, E. Miles Survey 219, J. S. Hail Survey 2, Goliad County School Land Leagues 360, 359 and 358, J. Rodriguez Survey 357, I. De La Garza Survey 356, Austin & Williams Survey 355 and 354, BBB&C RR Co. Blk. 1, Section 181, 182 and 183, and others to the NW corner of Jones County and the NE corner of Fisher County;

Thence East with the North county line of Jones County across the W. E. Kaye Survey and Sections 171, 158, 152, 139, 134, 121, 115, 106 and 87, BBB&C RR Co. lands to the place of beginning.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Jones "Nay" (30-1) Jones "Nay"

S.B. 450 (Hightower)--

Senator Hightower offered the following amendment to the bill:

Amend quoted Section 1a of Section 1 of S.B. No. 450 to read as follows:

"Section 1a. The boundaries of the Stamford Hospital District may be changed so as to include the territory located in Jones and Haskell Counties, Texas, described below, and if such change in boundaries is effected, the district as enlarged shall assume and be obligated to pay all indebtedness of the district as the same exists prior to such expansion of boundaries within the taxing limit approved at the election for which provision if hereafter made, and shall continue to have the same duties and responsibilities, over its extended boundaries, as now imposed, except as modified by this Act. In the event the change in boundaries of said District is approved at an election as hereinafter provided, the boundaries of the Stamford Hospital District shall be as follows:

"Beginning on the South line of Haskell County at the East line of Section 87, BBB&C RR Co. Lands, the West line of Section 82, same lands;

"Thence along the NB line of Jones County to the point where said line intersects the EB line of Section 82 and the WB line of Section 57, BBB&C RR Co. land;

"Thence N with the WB line of Section 57 and 56, BBB&C RR Co. land, the WB line of L. Clary Survey 6, across the GC&SF RR Co. Survey 1 to the SW corner of Section 23, Blk. 2, H&TC RR Co. land, continuing N with WB line of Section 23 and 20 Blk. 2, H&TC RR Co. lands to the SW Corner of A.F. Burchard Survey 42;

"Thence E with SB line Survey 42, 1267 varas;

"Thence N to a point in the NB line Survey 42;

"Thence E to NE corner Survey 42, a point in the WB line J.H. Parkhurst Survey 46;

"Thence N with WB line of the J.H. Parkhurst Survey 46 and the Coryell County School Lands League No. 62 to the NW corner of Sub. No. 7 of League 62;

"Thence E to the NE corner of Sub. No. 7;

"Thence S to the NW corner of Sub. No. 1 of League No. 62;

"Thence E to the NE corner of Sub. No. 1, a point on the W line of the

M. Dunn Survey No. 64;

"Thence N To NWC of M. Dunn Survey 64;

"Thence E with NL of the M. Dunn Survey 64, 968 varas to the NE corner of the M.E. Wadzeck 60 acre tract;

"Thence S to the SE corner of said 60 acre tract;

"Thence E 2971 varas to a point in the WL of the J.M. Blackwell 120 acre tract;

"Thence S to the SBL of the M. Dunn Survey 64, the NBL of the G. Harris Survey No. 50;

"Thence W 342 varas to NE corner of E. W. Thane 150 acre tract;

"Thence S to SE corner of said 150 acre tract;

"Thence W to SW corner of said 150 acre tract;

"Thence S to SE corner of H.J. Mueller 351 acre tract;

"Thence W to center point on WBL of the George Harris Survey 50;

"Thence S with WBL of Survey No. 50, the Andrew Vascacue Survey, the C.S. Corbett Survey to the SW corner of said Corbett Survey, continuing South across the O.B. Moore Survey and the Rike Survey 2 to the NWC of Section 20 BBB&C RR Co. lands;

"Thence South with WL Section 20 to NW corner Sec. 21, same lands;

"Thence East with the North lines of Sections 21, 18, 13, 12, 7, 6 and 1, to the NE corner of Section 1, same lands;

"Thence South to the NL of Jones County where said line intersects the East line of Section 1, BBB&C RR Co. lands;

"Thence East with the NL of Jones County to the NW corner of Shackelford County;

"Thence South with the WL of Shackelford County, the East line of Jones County to the NL of Callahan County;

"Thence West with the North line of Callahan County to the EL of Taylor County;

"Thence North with the EL of Taylor County to the NE corner of Taylor County;

"Thence West with the NL of Taylor County to its intersection with the WL of the A. Thompson Survey 20;

"Thence North with the WL of Survey 20 to its NW corner;

"Thence in a Northerly direction with the EL of Section 51, Blk. 16, T&P RR Co. lands to the NW corner of Section 50, same lands;

"Thence N 75 deg. E with the NL of Section 50 to the SW corner of Section 49, same lands;

"Thence N 15 deg. W with the WL of Section 49 to its NW corner;

"Thence N 75 deg. E with the NL of Section 49 to its NE corner on the WL of Section 6, Blk. 20, T&P RR Co.

"Thence N 15 deg. W with the WL of Section 6 to its NW corner;

"Thence N 75 deg. E with the NL of Section 6 to its NE corner on the WL of Sec. 45, Blk. 16, T&P RR Co.;

"Thence N 15 deg. W with the WL of Section 45 to its NW corner;

"Thence East with the NL of Section 45 to its NE corner, the SE corner of Sec. 44, same lands;

"Thence North with the EL of Sec. 44 to its NE corner on the South line of Sec. 43, same lands;

"Thence East with the South line of Section 43 to its SE corner;

"Thence North with the EL of Section 43 to its NE corner, continuing North with the EL of W.M. Delk Survey 241 to an angle point;

"Thence N 15 deg. W with the EL of Survey 241 and the WL of the B. Traveno Survey 190 to its NW corner;

"Thence N 75 deg. E with the NL of Survey 190 to the SE corner of Sec. 47, Blk. 15, T&P RR Co.;

"Thence N 15 deg. W with the EL of Sections 47, 39, 29 & 8, same lands to the NE corner of Sec. 8, continuing North with the EL of Sec. 4, Blk. 2, T&N ORR Co. to its NE corner;

"Thence North across the W. Smith Survey to the SW corner of Section 44,

Orphan Asylum Lands;

"Thence East with the South line of Section 44 to the SE corner;

"Thence North with the EL of Sections 44, 39 and 26, Orphan Asylum Lands to the NE corner of Section 26;

"Thence West with the NL of Sections 26 and 27 to the NW corner of Sec. 27;

"Thence North with the EL of Sections 19, 10 and 1, Orphan Asylum Lands and the EL of Sections 47 and 38 D&D Asylum Lands to the NE corner of Sec. 38;

"Thence West with the NL of Sections 38, 37 and 36, D&D Asylum Lands to the NW corner of Sec. 36;

"Thence North with the EL of Sec. 32, same lands to the mid-point of the EL of Section 32;

"Thence W across Surveys 32 and 33, D&D Asylum Lands to a point in the WL of Survey 33 midway between its NW and SW corners;

"Thence N with the WBL of said Survey 33 about 81 varas to a point in the WL of said Survey 33;

"Thence W across the J.M. Long Survey No. 3 to the SE corner of Survey 12, Blk. 4, H&TC RR Co. and continuing on West with the SL of said Survey 12 to its SW corner;

"Thence N with the WL of Surveys 12 and 11, Blk. 4, H&TC RR Co. to a point in the WL of Survey 11 at the SE corner of Survey 34, BBB&C RR Co.;

"Thence W with the SB lines of Sections 34, 49 and 62, same lands to the SW corner of said Section 62;

"Thence S with the Eastern BL of Sec. 76, same lands to the SE corner thereof;

"Thence W with the SBL of said Survey 76 to its SW corner;

"Thence N with the WBL of Survey 76 and the EBL of Survey 93, same lands to the midpoint of the EBL of said Section 93;

"Thence W along a line equally dividing Sec. 93 and the East one-half of Sec. 100, same lands to the midpoint of the WBL of the East one-half of said Sec. 100;

"Thence N along the line cutting in half Sec. 100 and 101, BBB&C RR Co. land to the midpoint of the Northern BL of Sec. 101;

"Thence E with the NBL of Sec. 101 and 92, same lands to the NE corner of said Section 92;

"Thence N with the WBL of Sections 78, 79, 80, 81 and 82, BBB&C RR Co. land to the point where the NBL of Jones County intersects the WBL of said Section 82; the place of beginning."

The amendment was read and was adopted.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Jones "Nay" (30-1) Jones "Nay"

S.B. 508 (Longoria)--

Senator Longoria offered the following Committee Amendment to the bill:

Amend S.B. 508 by making the reference to Article 743c, Vernon's Texas Penal Code, in the caption, in Section 1, and in Section 2, refer instead to Article 734c, Vernon's Texas Penal Code.

The Committee Amendment was read and was adopted.

On motion of Senator Longoria and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 527 (Schwartz)--

Senator Schwartz offered the following amendment to the bill:

Amend S.B. 527 by striking Section 4. and substituting the following Section 4.

"Section 4. The Criminal District Attorney of Galveston County shall be commissioned by the Governor and shall receive that salary and compensation from the State of Texas as provided in the Statutes and Constitution of the State of Texas for the salary of District Attorneys, and such sum to be paid out of the general fund of Galveston County as will bring the total salary, including the salary provided in the Constitution, to an amount not less than the amount paid district judges from the General Revenue Fund of the State of Texas, but in no event to an amount more than the total salary, including supplements, paid any district judge in and for Galveston County. If the officers; salary fund of Galveston County is inadequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers salary fund."

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 600 (Mauzy)--

Senator Mauzy offered the following Committee Amendment to the bill:

Amend S.B. 600 by adding a new Sec. 5. thereto and renumbering present Sec. 5. as "Sec. 6." and such new Sec. 5. shall read as follows:

"Sec. 5. Nothing contained in this Act shall apply to the solicitations of any person, firm or corporation (and the employees of any such person, firm or corporation) when any such person, firm or corporation (and the employees of any such person, firm or corporation) are engaged in solicitations in a business or activity whose trade practices and advertising are regulated by an agency of the State of Texas."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 740 (Gammage)--

Senator Gammage offered the following Committee Amendment to the bill:

Amend S.B. 740 by striking the period following the words "establishing the exact conditions relating to solid waste management and control" in Section and adding the following language:

"provided, however, that a photograph, sample, and/or any other kind of evidence or documentation obtained pursuant to this section may not be used for any purpose other than enforcement of this Act. Any agent or employee who violates the restrictions provided by this section is guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$1,000."

ADAMS
CLOWER

The Committee Amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 741 (Gammage)--

Senator Gammage offered the following Committee Amendment to the bill:

Amend S.B. 741 by striking the period following the words "establishing the exact conditions relating to ascertaining particulate levels, ambient air quality and emission(s) of air contaminants" in Section 1 and adding the following language:

", provided, however, that a photograph, sample, and/or any other kind of evidence or documentation obtained pursuant to this section may not be used for any purpose other than enforcement of this Act. Any agent or employee who violates the restrictions provided by this section is guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$1,000."

ADAMS
CLOWER

The Committee Amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 742 (Gammage)--

Senator Gammage offered the following Committee Amendment to the bill:

Amend S.B. 742 by striking the period following the words "the exact conditions relating to ascertaining water quality" in Section 1 and adding the following language:

", provided, however, that a photograph, sample, and/or any other kind of evidence or documentation obtained pursuant to this section may not be used for any purpose other than enforcement of the provisions of the Water Code. Any agent or employee who violates the restrictions provided by this section is guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$1,000."

The Committee Amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-)(31-0)

S.B. 764 (Ogg)--

Senator Ogg offered the following Committee Amendment to the bill:

Amending S.B. 764 by striking the words "section 6" on page 4, and inserting in lieu thereof "Section 7" and renumbering all subsequent sub-sections.

The Committee Amendment was read and was adopted.

Senator Ogg offered the following Committee Amendment to the bill:

Amending S.B. 764 on line 45, page 4 by adding after the word "shall" the following language:

"consist of five (5) members, who will".

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 769 (Ogg)--

Senator Ogg offered the following Committee Amendment to the bill:

Amend S.B. 769, Section 1, Subsection 12, by changing the figures "250,000" to "1,200,000".

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 869 (Wallace)--

Senator Wallace offered the following Committee Amendment to the bill:

Amend S.B. 869 by adding the following after the word "affected": "for the purpose of Section 21.451 hereof." And by adding the words "or owns land" after the words "is doing business."

The Committee Amendment was read and was adopted.

On motion of Senator Wallace and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 870 (Wallace)--

Senator Wallace offered the following Committee Amendment to the bill:

Section 1. Subchapter A, Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes), is amended by adding Section 1.03(10) to read as follows:

"Section 1.03 (10) 'person affected' shall mean any person who demonstrates that he has suffered or will suffer actual injury, economic or otherwise, by reason of the operation of a site, facility or plant, and shall include any unit of government having jurisdiction over such site, facility or plant."

The Committee Amendment was read and was adopted.

On motion of Senator Wallace and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 871 (Wallace)--

Senator Wallace offered the following Committee Amendment to the bill:

Amend S.B. 871 by adding the following after the word "affected": "for the purpose of Section 9 hereof." And by adding the words "or owns land" after the words "is doing business".

The Committee Amendment was read and was adopted.

On motion of Senator Wallace and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 886 (Snelson)—

Senator Snelson offered the following amendment to the bill:

Amend S.B. 886 by striking therefrom Section 1 of the bill and substituting in lieu thereof the following:

Section 1. Chapter 302, Acts of the 52nd Legislature, 1951, as amended, (Article 6701g, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) The Commissioners Court of any county in this State may regulate and restrict traffic on county roads and on other county-owned land under its jurisdiction.

(b) The Commissioners Court shall hold a public hearing before issuing any traffic regulation pursuant to this Act, and shall give advance notice of the regulation or regulations to be considered at the hearing by causing notice of the hearing to be published not less than seven days nor more than thirty days prior to the hearing in a newspaper of general circulation in the county."

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill. (31-0)(31-0)

S.B. 947 (Schwartz)—

Senator Schwartz offered the following amendment to the bill:

Amend S.B. 947 by striking subsection (b) of Section 1 and substituting the following new sub-section (b):

"(b) As compensation for the added duties hereby imposed upon members of such Juvenile Board, each of the judges of County Court No. 1 and County Court No. 2 may be compensated by an annual salary not to exceed \$2,400.00 and the judge of the Court of Domestic Relations shall be compensated by an annual salary of not less than \$2,400.00 or more than \$6,000.00 payable in twelve (12) equal monthly installments out of the General Fund of Galveston County; and such compensation shall be in addition to all other compensation provided by law and may be fixed by the Commissioners Court of Galveston County."

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 10:02 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

SIXTY-SEVENTH DAY

(Thursday, May 3, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend Ray Chester, Pastor, Brentwood Church of Christ, Austin, Texas, offered the invocation as follows:

Our Father, in the midst of all the traffic of our busy days we are grateful for this brief sanctuary of the spirit. May it not be a mere gesture to convention but a real experience for each one as we call upon Thee for guidance and help. Be to each of us a life-giving presence, a sustaining power, a refuge from the confusion and tumult of our times. Give us the long view of our work and world. Help us to see it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. Teach us how to work and then to wait. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 370
C.S.S.B. 369 (Read first time)

Nomination of Lynn Darden and Paul Leonard to be Members of Texas Board of Mental Health and Mental Retardation.

Senator Moore submitted the following reports for the Committee on State Affairs:

C.S.S.B. 891 (Read first time)
S.B. 729
C.S.S.B. 904 (Read first time)
S.B. 939